

MARINE PROTECTION, RESEARCH AND SANCTUARIES ACT AMENDMENTS OF TITLE II

MAY 16, 1983.—Ordered to be printed

Mr. JONES of North Carolina, from the Committee on Merchant Marine and Fisheries, submitted the following

REPORT

[To accompany H.R. 1547 which on February 17, 1983, was jointly referred to the Committees on Merchant Marine and Fisheries and Science and Technology]

[Including cost estimate of the Congressional Budget Office]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H.R. 1547) to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations for such Act for fiscal years 1984 and 1985, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

On page 4, line 14 after the word "incineration", delete "and" and all that follows through line 16 and insert in lieu thereof the following:

"ocean dumping, or any other feasible disposal, reuse, or recycling option; shall include an assessment of the cost of these alternatives; and shall recommend such regulatory or"

On page 5, line 18, delete the word "involved"

On page 5, line 22, after the word "with", insert the words "officials of"

PURPOSE OF THE LEGISLATION

H.R. 1547 would amend title II of the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972 by: (1) extending the authority to appropriate funds in an amount not to exceed \$12 million for each of fiscal years 1984 and 1985; (2) requiring that the annual reports previously required under section 201 (concerning

the dumpsite monitoring activities) and section 202 (concerning the long-term effects of ocean dumping) be combined under new section 204 and submitted to Congress by March 1 of each year; (3) adding four specific activities to be included in the National Oceanic and Atmospheric Administration's long-term effects research, as follows: (a) development and assessment of various techniques for quantifying and defining degradation of the marine environment, (b) assessment of the ability of ocean waters to assimilate waste materials, (c) continuation of ongoing monitoring programs to assess the health of the marine environment, and (d) development of methodologies, techniques, and equipment to minimize degradation of the marine environment from dumping; and (4) directing the Environmental Protection Agency, in cooperation with interested parties, to assess the feasibility of developing regional waste management plans, and to submit to Congress and the President, not later than 1 year after enactment of the bill, a report on sewage disposal in the New York region.

COMMITTEE ACTION

H.R. 1547 was introduced on February 17, 1983, by Mr. Scheuer of New York, chairman of the Subcommittee on Natural Resources, Agriculture Research and Environment, Committee on Science and Technology. The bill was jointly referred to the Committee on Merchant Marine and Fisheries and the Committee on Science and Technology. Within the Committee on Merchant Marine and Fisheries, H.R. 1547 was referred to the Subcommittee on Oceanography and the Subcommittee on Fisheries and Wildlife Conservation and the Environment.

On April 25, 1983, the subcommittees held a joint open hearing to receive comments on H.R. 1547. Testimony was received from the National Oceanic and Atmospheric Administration (NOAA) and the Environmental Protection Agency (EPA).

On May 3, 1983, the two subcommittees met in joint session and ordered H.R. 1547 reported by unanimous voice vote to the full Committee on Merchant Marine and Fisheries. Prior to reporting the bill out, one amendment was introduced and unanimously adopted by voice vote. The amendment, offered by Mr. D'Amours, modified the provision regarding EPA's report to Congress and the President on sewage sludge disposal in the New York region. It specified that EPA was to look at all feasible disposal and reuse/recycle options, as well as information on the costs of the individual options. The amendment clarified that cost-benefit analyses are not required. This amendment addressed concerns raised by EPA in their testimony on April 25th that the bill, as introduced, would have limited the scope of EPA's report to only three disposal options—land-filling, incineration, and ocean dumping—and that it would have required the agency to develop the methodologies necessary to perform cost/benefit analyses which are not currently applicable to the decisionmaking process for sewage sludge ocean disposal permits.

On May 11, the full Committee on Merchant Marine and Fisheries met in open session and ordered H.R. 1547 reported to the House by unanimous voice vote without amendments.

BACKGROUND AND NEED FOR THE LEGISLATION

THE OCEAN DUMPING ACT

The Marine Protection, Research and Sanctuaries Act, commonly known as the Ocean Dumping Act, was enacted in 1972 as a result of concern over the effects of unregulated ocean dumping. The act established a policy to prohibit or strictly limit the ocean dumping of materials which may be harmful to humans or the marine environment.

The act is divided into three titles. Title I specifies how ocean dumping shall be regulated and directs the Environmental Protection Agency (EPA) and the Corps of Engineers (COE) to establish dumping permit programs. Title II directs NOAA and EPA to conduct comprehensive research on the effects of and alternatives to ocean dumping. Title III provides for the identification and designation of marine sanctuaries.

H.R. 1547 amends title II of the MPRSA. Title II authorizes comprehensive research programs on ocean dumping. The Secretary of Commerce is directed to conduct continuing programs of monitoring and research on the effects of ocean dumping and the long-range effects of pollution, overfishing, and man-induced changes of ocean ecosystems. EPA is directed to perform various activities to determine the means of minimizing or ending harmful ocean dumping and finding alternatives to ocean dumping. EPA is also directed to assist New York City in evaluating the technological options available for the removal of heavy metals and toxic organic materials from the city's sewage sludge, and to reduce the amount of such pollutants entering the sewage system.

INCREASED OCEAN DUMPING ACTIVITIES

Due to the combination of several events during the past few years, there has been an increased interest by the municipalities, ports, utilities, Federal agencies, and private industry to utilize the oceans for waste disposal.

The potential for increased ocean disposal of wastes by the aforementioned groups could tax EPA's ability to process the required permit applications, perform the site designation work, evaluate and monitor the effects of increased dumping, and conduct the research programs needed to produce timely information for management decisions.

FUNDING AND PROGRAM CUTS

The administration has requested appropriations of \$4.835 million to fund title II activities for fiscal year 1984. The budget request proposes to eliminate all ocean dumping regional projects, and support for the Northeast monitoring program.

The regional projects slated for termination include the Hudson-Raritan estuary/New York Bight and Puget Sound projects. The goal of the Hudson-Raritan estuary/New York Bight project is to determine the influence of the Hudson-Raritan estuary on the New York Bight Apex and western Long Island Sound. The objectives of the project are: (1) to quantify the distribution and fate of key con-

taminants within the estuary, and their flux to the New York Bight Apex, and western Long Island Sound; (2) to assess the extent to which Hudson-Raritan estuary pollution has reduced the abundance of fishes and shellfishes in the New York-New Jersey-Connecticut metropolitan area; and (3) to develop nationally applicable alternatives to existing waste management practices that will enhance the use of pollution-impacted coastal and estuarine resources.

The Puget Sound project is a multidisciplinary research effort designed to understand and predict the effects of human actions, primarily the introduction of chemical contaminants, on marine life in subsystems of Puget Sound. The intent of the project is to acquire the data and techniques so that: (1) effects of contaminants can be evaluated and mitigated; (2) future contaminant inputs can be properly planned and meaningfully monitored; and (3) effects and recovery from accidental contaminant inputs can be predicted.

Programs to be eliminated would also include monitoring work, research on effects of trace metals on organisms, and cycling of toxic organics in the Great Lakes. Programs would be terminated in Seattle, Stony Brook and Ann Arbor.

The committee is concerned that at a time when the United States is facing the prospect of increased activities and there is a growing need for additional information on the effects of such dumping, the administration has proposed reduced funding for EPA and NOAA monitoring and research activities. The committee disagrees with the administration's proposed budget reductions relating to ocean dumping, and particularly those programs which could provide the scientific information needed to predict and mitigate the consequences of ocean dumping and thus increase the ability to minimize adverse impacts on marine ecosystems and to clean up degraded marine environments. NOAA's regional projects are an excellent example of the type of work that provides information for managers of ocean dumping. Regional projects are developed in response to identified coastal problems which exceed the responsibility or capability of any single local or State government. Since many coastal pollution problems cross State boundaries and involve State and Federal waters, regional projects provide a useful mechanism for studying these problems. Beneficiaries of these projects include coastal managers from all levels of government.

The committee also disagrees with the administration's efforts to eliminate the dumpsite monitoring programs mandated under section 201 of the act. Safe utilization of the oceans for waste disposal, requires the ability to determine when adverse effects are occurring. Dumpsite monitoring can provide information for mitigating harmful effects, for determining the fate of pollutants, and for establishing a data base for management activities. Elimination of this program runs the risk of causing irreparable harm if dumping is not monitored.

SECTION-BY-SECTION ANALYSIS

Section 1.—Annual report on effects of dumping

Section 1 of the bill amends section 201 of the act, which requires the Secretary of Commerce to initiate research and monitoring pro-

grams on the effects of ocean dumping and report to Congress annually. The amendment would delete the annual report requirement from section 201. All reporting requirements of this title have been consolidated by section 5 of this bill and incorporated in a new section 204 of the act.

Section 2.—NOAA research

Section 2 of the bill amends section 202(a) of the act, which directs the Secretary of Commerce to initiate research programs on the possible long-term effects of pollution, overfishing, and man-induced changes in ocean ecosystems. The amendment would specify that NOAA research conducted on the effects of ocean dumping should be done in close coordination with the EPA and other appropriate Federal agencies, and would include four specific long-term research activities to complement regulatory activities pertaining to title I and to respond to certain major ocean disposal issues. These activities include the following:

(1) Developing and assessing techniques for quantifying and defining degradation of the marine environment. Controversy over utilizing the ocean to dispose of wastes often centers around how to measure degradation and how to apply the results. If the ocean is to be a viable waste disposal option, various techniques for measuring degradation need to be developed and carefully evaluated to insure that unacceptable harm to the marine environment does not occur.

(2) Assessing the ability of the marine environment to assimilate waste materials without degrading the marine environment. If ocean dumping activities increase, or if currently used sites are discontinued, new ocean disposal sites will need to be established. Potential ocean waste disposal areas exist off the coasts of the United States that could assimilate various wastes, but because sufficient scientific information is not available to apply an assimilative capacity concept on a management basis, broad-scale studies are needed to assess the ability of ocean areas to assimilate waste products without degrading or endangering human health or the marine environment. The purpose of this amendment is to direct NOAA to develop a framework that combines information on characteristics of potential sites, waste loading, marine ecosystems, and pollutant transport, fate and effects so that forecasts can be made as to what the maximum contaminant loading would be on selected ocean areas without causing unacceptable harm.

(3) Continuing ongoing monitoring programs to assess the health of the marine environment. These ongoing programs should include, but not be limited to, monitoring of bottom oxygen concentrations, contaminant levels in biota, sediments, and the water column, diseases in fish and shellfish, and changes in types and abundance of indicator species. The value of these programs, such as the Northeast monitoring program, tends to increase with time and it would be unwise to terminate any long-term monitoring program until future research indicates that new directions are appropriate.

(4) Development of methodologies, techniques, and equipment for disposal of waste materials to minimize degradation of the marine environment. Current ocean dumping and disposal technology is

limited to direct dumping by barge or disposal by pipe. This amendment charges NOAA with the responsibility to develop scientific and/or engineering alternatives to, or improvements on, existing ocean disposal practices.

Section 3.—EPA research

Section 3 of the bill amends section 203 of the act by directing EPA to undertake two additional projects.

First, it requires EPA, in cooperation with NOAA, the Army Corps of Engineers, and other officials of appropriate Federal, State, or local agencies, to assess the feasibility of developing regional waste management plans that integrate all waste disposal activities into a comprehensive regional strategy. Such plans would incorporate ocean dumping, as well as other major waste management activities from all levels of government, into comprehensive disposal strategies for large, but ecologically similar regions.

This amendment follows the recommendation of the National Advisory Committee on Oceans and Atmosphere (NACOA). NACOA, in a January 1981 report, urged that the Congress and the executive branch adopt an integrated approach to waste management.¹ An integrated approach, to be effective must consider all alternative means of disposal, in all media, including recycling and improved source control on a regionwide basis. Full knowledge of the various natural and man-made pollutants entering marine waters, air, and land is also necessary. Because an integrated approach would involve many governmental jurisdictions, several disposal alternatives and many pollutant sources, the feasibility of establishing regional waste management plans is unclear.

Regional management plans would account for the effects of all Federal, State, local, and regional waste management actions and address the sources and quantities of existing and projected wastes and all waste disposal alternatives. Economic, social, and environmental factors affecting the various alternatives would be evaluated and quantified. The plans also address a regional permit processing scheme for waste disposal and regional monitoring of short-term and long-term effects of disposal. Finally, the plans should be developed for regions that are large enough to encompass all major pollutant sources.

Second, section 3 of the bill requires EPA, in cooperation with NOAA, to report to the Congress no later than 1 year after the enactment of the bill on the options for sewage sludge disposal in the New York region. This report will include an assessment of all feasible disposal, reuse or recycling options, an estimate of the cost of each option, and recommendations on regulatory or legislative changes needed to reduce the adverse impacts associated with sewage sludge disposal.

Section 4.—Authorization of appropriations

Section 4 of the bill redesignates section 204 of the act, which provides for authorization of appropriations, as section 205 and authorizes an appropriation not to exceed \$12 million for each of

¹ National Advisory Committee on Oceans and Atmosphere, "The Role of the Ocean in a Waste Management Strategy," January 1981.

fiscal years 1984 and 1985. It also specifies that \$500,000 of these funds shall be made available in each fiscal year for completion of the New York area sewage sludge disposal study required under section 3 of the bill.

Section 5.—Reports

Section 5 of the bill redesignates section 205 of the act as section 204 and combines under this section various reporting requirements into one report which should include a report on short-term ecological effects and social and economic factors involved with ocean dumping, the results of activities pursued under section 202, and a joint NOAA/EPA report on the short- and long-term research needed to meet the regulatory responsibilities of title I. This report should be presented to the Congress in March of each year.

COST OF THE LEGISLATION

Pursuant to clause 7 of rule XIII of the Rules of the House of Representatives, the committee estimates that the cost of the legislation will be as follows: Fiscal year 1984, \$12 million; fiscal year 1985, \$12 million.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause (2)(1)(4) of rule XI of the Rules of the House of Representatives, the committee estimates that the enactment of H.R. 1547 would have no significant inflationary impact upon prices and costs in the operation of the national economy.

COMPLIANCE WITH HOUSE RULE XI

(1) With respect to the requirements of clause (2)(1)(3)(A) of rule XI of the Rules of the House of Representatives, no oversight findings on the subject of H.R. 1547 have been made by the committee during the 98th Congress. The committee received a progress report on the implementation of the act during the oversight hearing.

(2) With respect to the requirements of clause (2)(1)(3)(D) of rule XI of the Rules of the House of Representatives, the committee has received no report from the Committee on Government Operations on the subject of H.R. 1547.

(3) With respect to the requirements of clause (2)(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 1547 does not contain any new budget authority or tax expenditures.

(4) With respect to the requirements of clause (2)(1)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the committee has received the following estimate and comparison of the cost of H.R. 1547 from the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., May 13, 1983.

Hon. WALTER B. JONES,
*Chairman, Committee on Merchant Marine and Fisheries, House of
Representatives, Longworth House Office Building, Washington,
D.C.*

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 1547, a bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations for such Act for fiscal years 1984 and 1985, and for other purposes.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN, *Director.*

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 1547.
2. Bill title: A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations for such Act for fiscal years 1984 and 1985, and for other purposes.
3. Bill status: As ordered reported by the House Committee on Merchant Marine and Fisheries, May 11, 1983.
4. Bill purpose: This bill authorizes annual appropriations of \$12 million for fiscal years 1984 and 1985 to administer Title II of the Marine Protection, Research, and Sanctuaries Act of 1972 (MPRSA). Title II authorizes the National Oceanic and Atmospheric Administration to conduct research on the impact of ocean dumping.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

| | 1983 | 1984 | 1985 | 1986 | 1987 |
|--------------------------|------|------|------|------|------|
| Authorization level..... | 12 | 12 | | | |
| Estimated outlays..... | 9 | 12 | 3 | | |

The costs of this bill fall within budget function 300.

Basis of estimate: For purposes of this estimate, the full amounts authorized in the bill are assumed to be appropriated prior to the start of the fiscal year for which they are authorized. Outlays are estimated based on historical spending patterns for this program.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: On May 11, 1983, CBO prepared a cost estimate for H.R. 2900, the Atmospheric Climatic, and Ocean Pollution Act of 1983. Appropriations of \$12 million in 1984 and \$12.6 million in 1985 for ocean dumping research under Title II of the MPRSA were among the amounts authorized by that bill.

9. Estimate prepared by: Anne Hoffman.

10. Estimate approved by: C. G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

DEPARTMENTAL REPORTS

A departmental report on H.R. 1547 was received from the Department of Commerce. The report follows:

GENERAL COUNSEL OF THE
U.S. DEPARTMENT OF COMMERCE,
Washington, D.C., May 2, 1983.

Hon. WALTER B. JONES,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MR. JONES: The Secretary has asked me to respond to your letter requesting our views on H.R. 1546, a bill, "To amend the National Ocean Pollution Planning Act of 1978 to authorize appropriations for such Act for fiscal years 1984 and 1984", and H.R. 1547, a bill, "To amend the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations for such Act for fiscal years 1984 and 1985, and for other purposes."

On April 25, 1983, Mr. Matuzeski of NOAA testified before the Subcommittee on Oceanography of the House Committee on Merchant Marine and Fisheries that the Administration supports H.R. 1546 and opposes H.R. 1547. I have enclosed a copy of his testimony.

Sincerely,

IRVING P. MORGULIES,
For Sherman E. Unger,
General Counsel.

Enclosure.

STATEMENT OF WILLIAM MATUSZESKI, DEPUTY ASSISTANT ADMINISTRATOR FOR NATIONAL OCEAN SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, BEFORE THE SUBCOMMITTEE ON OCEANOGRAPHY AND SUBCOMMITTEE ON FISHERIES, AND WILDLIFE CONSERVATION AND THE ENVIRONMENT, COMMITTEE ON MERCHANT MARINE AND FISHERIES, HOUSE OF REPRESENTATIVES, APRIL 25, 1983

Mr. Chairman and members of the subcommittee, I am pleased to be here today to testify on H.R. 1547, a bill to reauthorize and amend Title II of the Marine Protection, Research, and Sanctuaries Act (MPRSA), and H.R. 1546, a bill to reauthorize and amend the National Ocean Pollution Planning Act (NOPPA). NOAA supports reauthorization of both Title II of the MPRSA at a level of \$4.8 million and the NOPPA at a level of \$3.0 million.

MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT

I would like to summarize the results of the National Oceanic and Atmospheric Administration's (NOAA) monitoring and research efforts in fiscal years 1982 and 1983 under Title II of the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972 (Public Law 92-532). Section 201 of Title II assigns responsibility to the Department of Commerce for continued monitoring and re-

search on the effects of dumping material into ocean waters, coastal waters and the Great Lakes. Section 202 of Title II directs the Secretary of Commerce, in consultation with other agencies, to initiate a comprehensive program of research on long-range effects of pollution, overfishing and other anthropogenic changes in ocean ecosystems.

NOAA activities under Section 201 and Section 202 of MPRSA are augmented by financial assistance authorized under section 6 of the National Ocean Pollution Planning Act (Public Law 95-273). In 1982 and 1983, NOAA combined these three separate programs into a single coordinated effort pursuant to Section 5 of the National Ocean Pollution Planning Act. I will discuss this program as a unit and document the allocation of funds within it.

The goal of this NOAA program is to provide the best available scientific and technical information on marine environmental quality to policy-makers in Congress, other Federal agencies, state and local governments, industry and the public in order to support management decisions that will facilitate balanced use of the Nation's coastal waters and oceans.

Under Section 202, NOAA seeks to:

Quantify the sources, discharges, transport and transformation of contaminants associated with coastal and ocean waste disposal.

Identify and quantify the short and long-term effects on resources of contaminants and environmental changes associated with ocean waste disposal practices.

Develop, test, and apply new methods for evaluating and projecting short- and long-range effects of national policies on coastal and ocean waste disposal.

Conduct studies in representative coastal regions and estuaries to develop improved methods for assessing the effects of human activities in such areas throughout the Nation.

Measure indicators of environmental quality and assess long-term trends in the status of the Nation's coastal waters and estuaries.

Ensure the quality and inter-regional comparability of marine environmental quality measurements.

NOAA accomplishes these goals by managing and sponsoring research performed by scientists and engineers from NOAA laboratories, other Federal agencies, state and local governments, industry, and academic and research institutions. Management responsibility for NOAA's marine environmental quality program lies with the Ocean Assessments Division, Office of Oceanography and Marine Service, National Ocean Service.

FISCAL YEAR 1983 PROGRAM

In fiscal year 1983 the program is focusing on (1) contaminant distribution and related biological response in selected coastal regions such as the heavily used Hudson-Raritan estuary and Puget Sound, a recently abandoned sewage-sludge dumpsite off the Mid-Atlantic Coast, and deep ocean dumpsites; and (2) comparative studies of dispersion from coastal outfalls versus barge dumping in Puerto Rico (pharmaceutical wastes) and Southern California

(sewage sludge), we will complete these projects during fiscal year 1983.

FISCAL YEAR 1984 PROGRAM

In fiscal year 1984, we plan to increase our focus on national problems since we anticipate that all coastal areas of the United States, rather than just the Northeast, will propose the use of the ocean for waste disposal. We will place a high priority, of quality assurance and inter-regional comparability of marine environmental quality data. NOAA will continue its efforts to assess long-term trends in marine environmental quality, particularly in these areas which are already highly stressed.

The budget request for these assessments and research programs in fiscal year 1984 is \$6.4 million, of which about \$1.6 million is for Sections 6 of Public Law 95-273 and about \$4.8 million is for Section 202 of Title II.

We are reviewing our marine pollution programs to determine how information necessary for marine pollution management decisions can be developed in a more cost-effective manner. Considerable site-specific research, under Section 201, has either already been completed or will be completed in fiscal year 1983. We will synthesize this knowledge to assist us in our future research efforts under Section 202.

In order to continue these important efforts, we request that Section 202 of the Marine Protection, Research and Sanctuaries Act be reauthorized at a level of \$4.8 million for fiscal year 1984 and such sums as necessary for fiscal year 1985.

ADEQUACY OF PRESENT ACT

We oppose enactment of H.R. 1547. We believe that the existing provisions of the Marine Protection, Research and Sanctuaries Act, as amended, are sufficient to address concerns associated with national ocean pollution issues, including ocean waste disposal. NOAA is already carrying out much of the intent of H.R. 1547. We are developing and assessing scientific techniques to define and quantify degradation of the marine environment. We are assessing the ability of the marine environment to assimilate materials without degradation. We are continuing to monitor and assess the health of the marine environment. And we are developing methodologies to assess techniques for disposal of waste materials that minimize environment degradation. Finally, we have worked with the U.S. Environmental Protection Agency to determine the feasibility of comprehensive, multi-media management plans for the disposal of waste material in coastal areas throughout the Nation.

[Editor's Note: The remainder of the testimony addresses legislation that is not germane to the subject of this report.]

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, as amended, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is

printed in italic, existing law in which no change is proposed is shown in roman):

33 U.S.C. 1441-1445

§1441. Monitoring and research program; reports to Congress

The Secretary of Commerce, in coordination with the Secretary of the Department in which the Coast Guard is operating and with the Administrator shall, within six months of October 23, 1972, initiate a comprehensive and continuing program of monitoring and research regarding the effects of the dumping of material into ocean waters or other coastal waters where the tide ebbs and flows or into the Great Lakes or their connecting waters. [and shall report from time to time, not less frequently than annually, his findings (including an evaluation of the short-term ecological effects and the social and economic factors involved) to the Congress.]

§1442. Research program respecting possible long-range effects of pollution, overfishing, and man-induced changes of ocean ecosystems

(1)(a) Secretary of Commerce

The Secretary of Commerce, in *close* consultation with other appropriate Federal departments, agencies, and instrumentalities shall, within six months of October 23, 1972, initiate a comprehensive and continuing program of research with respect to the possible long-range effects of pollution, overfishing, and man-induced changes of ocean ecosystems. These responsibilities shall include the scientific assessment of damages to the natural resources from spills of petroleum or petroleum products. In carrying out such research, the Secretary of Commerce shall take into account such factors as existing and proposed international policies affecting oceanic problems, economic considerations involved in both the protection and the use of the oceans, possible alternatives to existing programs, and ways in which the health of the oceans may best be preserved for the benefit of succeeding generations of mankind.

(2) The Secretary shall ensure that the program under this section complements, when appropriate, the activities undertaken pursuant to title I. Such program shall include but not be limited to—

(A) the development and assessment of scientific techniques to define and quantify the degradation of the marine environment;

(B) the assessment of the ability of the marine environment to assimilate materials without degradation;

(C) continuing monitoring programs to assess the health of the marine environment, including but not limited to the monitoring of bottom oxygen concentrations, contaminant levels in biota, sediments, and the water column, diseases in fish and shellfish, and changes in types and abundance of indicator species; and

(D) the development of methodologies, techniques, and equipment for disposal of waste materials to minimize degradation of the marine environment.

* * * * *

(c) Annual report to Congress

[In March of each year, the Secretary of Commerce shall report to the Congress on the results of activities undertaken by him pursuant to this section during the previous fiscal year. The Secretary shall include in this report the report to Congress of activities of the Department of Commerce under section 665 of Title 16, required by that section.]

COOPERATION OF OTHER DEPARTMENTS, AGENCIES, AND INDEPENDENT INSTRUMENTALITIES

[(d)] (c) Each department, agency, and independent instrumentality of the Federal Government is authorized and directed to cooperate with the Secretary of Commerce in carrying out the purposes of this section and, to the extent permitted by law, to furnish such information as may be requested.

UTILIZATION OF PERSONNEL, SERVICES, AND FACILITIES; INTER-AGENCY AGREEMENTS

[(e)] (d) The Secretary of Commerce, in carrying out his responsibilities under this section, shall, to the extent feasible utilize the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities (including those of the Coast Guard for monitoring purposes), and is authorized to enter into appropriate inter-agency agreements to accomplish this action.

§ 1443. Cooperation with public authorities, agencies, and institutions, private agencies and institutions, and individuals

(a) The Administrator of the Environmental Protection Agency shall—

(1) conduct research, investigations, experiments, training, demonstrations, surveys, and studies for the purpose of—

(A) determining means of minimizing or ending, as soon as possible after October 6, 1980, the dumping into ocean waters, or waters described in section 1411(b) of this title, of material which may unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities, and

(B) developing disposal methods as alternatives to the dumping described in subparagraph (A); and

(2) encourage, cooperate with, promote the coordination of, and render financial and other assistance to appropriate public authorities, agencies, and institutions (whether Federal, State, interstate, or local) and appropriate private agencies, institutions, and individuals in the conduct of research and other activities described in paragraph (1).

(b) Nothing in this section shall be construed to affect in any way the December 31, 1981, termination date, established in section 1412a of this title, for the ocean dumping of sewage sludge.

(c) *The Administrator, in cooperation with the Secretary, the Secretary of Commerce, and other officials of appropriate Federal, State, and local agencies, shall assess the feasibility of regional management plans for the disposal of waste materials. Such plans should integrate where appropriate Federal, State, regional, and local waste disposal activities into a comprehensive regional disposal strategy. These plans should address, among other things—*

(1) the sources, quantities, and types of materials that require and will require disposal;

(2) the environmental, economic, social, and human health factors associated with disposal alternatives;

(3) the improvements in production processes, methods of disposal, and recycling to reduce the adverse effects associated with such disposal alternatives;

(4) the applicable laws governing waste disposal; and

(5) improvements in permitting processes to reduce administrative burdens.

(d) *The Administrator, in cooperation with the Administrator of the National Oceanic and Atmospheric Administration, shall submit to the Congress and the President, not later than one year after the date of enactment of this provision, a report on sewage sludge disposal in the New York region. The report shall consider the factors listed in subsection (c) as they relate to landfilling, incineration, ocean dumping, or any other feasible disposal, reuse, or recycling option; shall include an assessment of the cost of these alternatives; and shall recommend such regulatory or legislative changes as may be necessary to reduce the adverse impacts associated with sewage sludge disposal.*

[§ 1445.] § 1444 Removal of heavy metals and other toxic organic materials from sewage sludge of city of New York; study, etc.

(a) *In March of each year, the Secretary of Commerce shall report to the Congress on his activities under this title during the previous fiscal year. The report shall include—*

(1) the Secretary's findings made under section 201, including an evaluation of the short-term ecological effects and the social and economic factors involved with the dumping;

(2) the results of activities undertaken pursuant to section 202;

(3) with the concurrence of the Administrator and after consulting with officials of other appropriate Federal agencies, an identification of the short- and long-term research requirements associated with activities under title I, and a description of how Federal research under titles I and II will meet those requirements; and

(4) activities of the Department of Commerce under section 5 of the Act of March 10, 1934 (48 Stat. 401; 16 U.S.C. 665).

(b) *In March of each year, the Administrator shall report to the Congress on his activities during the previous fiscal year under*

section 203 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1443).

【§ 1444.】 § 1445 Authorization of appropriations

There are authorized to be appropriated for the first fiscal year after October 23, 1972, and for the next two fiscal years thereafter such sums as may be necessary to carry out this subchapter, but the sums appropriated for any such fiscal year may not exceed \$6,000,000. There are authorized to be appropriated not to exceed \$1,500,000 for the transition period (July 1 through September 30, 1976), not to exceed \$5,600,000 for fiscal year 1977, not to exceed \$6,500,000 for fiscal year 1978, not to exceed \$11,396,000 for fiscal year 1981, **【and】** not to exceed \$12,000,000 for fiscal year **【1982.】** *1982; and not to exceed \$12,000,000 for each of the fiscal years 1984 and 1985. Of these funds, at least \$500,000 shall be made available in each of the fiscal years 1984 and 1985 to carry out the studies authorized in section 203 of this Act.*

